

ORIGINAL

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
District of Delaware

Banner Life Insurance Company

)

Plaintiff

)

v.

)

Civil Action No. 12-047

U.S. Bank, NA, as Securities Intermediary, and The
Bancorp Bank

)

Defendant

)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The Bancorp Bank
 1201 North Market Street
 Wilmington, DE 19801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen V. Sullivan
 Drinker Biddle & Reath, LLP
 1100 North Market Street, Suite 1000
 Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*Date: 1-10-12*Beth Mason**Signature of Clerk or Deputy Clerk*

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Civil Action No. 12-047

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for *(name of individual and title, if any)* THE BANCORP BANK was received by me on *(date)* 1/18/12

- I personally served the summons on the individual at *(place)* _____
on *(date)* _____, or
- I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* MELISSA MYERS (PROCESS AGENT), who is
designated by law to accept service of process on behalf of *(name of organization)* THE BANCORP BANK
409 SILVERSIDE RD. WILMINGTON, DE 19809 on *(date)* 1/18/12, or
- I returned the summons unexecuted because _____, or
- Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 1/18/12

Server's signature

KEVIN S. DUNN

Printed name and title

BRANDYWINE PROCESS SERVERS, LTD
302-475-2600

Server's address

Additional information regarding attempted service, etc: